

Minutes of the Land Use, Parks and Environment Committee - February 1, 2005

The meeting was called to order at 8:50 a.m. by Chair Kolb.

Present: Chair Walter Kolb, County Board Supervisors Kathleen Cummings, Scott Klein-*arrived at 9:05 a.m.*, Bill Kramer, Daniel Pavelko-*arrived at 8:55 a.m.*, Vera Stroud; **Absent:** Pauline Jaske

Staff Present: Legislative Policy Advisor Mark Mader, Legis.Associate Sandra Meisenheimer

Also Present: Planning & Zoning Manager Dick Mace

Public Present: Mareth and Fred Kipp of Town of Genesee; Renee Bowerman, Consultant for Aurora Healthcare

Approve Minutes of January 18, 2005

Motion: Cummings moved, second by Stroud, to approve the minutes of 1/18/05. **Motion carried 4 – 0.**

Read Correspondence

Kolb referred to the following items:

1. Memo from Dale Shaver asking for a volunteer from the LUPE Committee to serve on the Code Amendment Advisory Committee. ***Stroud volunteered to serve on the committee.***
2. Email from Dale Shaver advising that there is a fully executed agreement between Waukesha County and SEWRPC for the regional water supply planning program.
3. Notice of Public Hearing to consider amendments to the Waukesha County Development Plan on Tuesday, February 15, 2005 at 9:00 a.m. and then later at 6:00 p.m.
4. Memo from Kurt W. Bauer, Waukesha County Surveyor, regarding Waukesha County surveyor activities for 2004.
5. Emails and letters received regarding opposition to the purchase of the Kraus site and support for the Kuchler site for the North Lake public boat launch:
 - A. Dan Aicher, W316 N7439 Nelson Road, Hartland, WI (letter).
 - B. Dr. Richard Bence of North Lake, WI (only opposition to the Kraus property being purchased (email).
 - C. Elisabeth and Flint Bridge, N73 W32285 Reddelien Road, Hartland, WI (email).
 - D. Steve and Patty Brink, 6843 Wildwood Point, Hartland, WI (email).
 - E. Dan Doucette, W322 N7488 Reddelein Drive, Merton, WI (letter).
 - F. Dave and Paulette Draeger, W322 N7448 Reddelien Road, Hartland, WI (email).
 - G. Carolyn Friedmann of North Lake, WI (email).
 - H. William and Ruth Johnson, W315 N7785 Highway 83, North Lake, WI (letter).
 - I. Mitchell L. Kohls, N73 W32435 River Road, Merton, WI (1 letter and 2 emails).
 - J. Ann Maurer (email).
 - K. Robert F. Moebius of Citigroup Global Markets, Inc., Vice President of Investments, 411 E. Wisconsin Ave., Ste. 2200, Milwaukee, WI emailed the letter from the Wisconsin Legislature to the DNR (same letter as “L”).
 - L. Mark W. Mundt, Realty Executives, 810 Cardinal Lane, Hartland, WI (email).
 - M. Tom and Edda Peters of North Lake (email).
 - N. Representatives Don Pridemore and Dan Vrakas and Senator Ted Kanavas to Secretary Scott Hassett of the DNR and to the DNR Board of Directors (letter).
 - O. David S. Robinson, W322N7364 Reddelein Road, Hartland, WI (email).
 - P. Kim Ryan of Johnson Controls, Inc.(email).
 - Q. Walter and Pat Schaeffer, N73 W32275 Reddelien Road, Hartland, WI (letter).
 - R. Lori Schneider, W325 N7148 Clearwater Drive, Hartland, WI (email).
 - S. Gary and Mary Stippich, W316 N7429 Nelson Drive, Hartland (email).
 - T. James and Virginia Wheeler, W322 N7298 Reddelien Road, Hartland, WI (letter).

Executive Committee Report by Walter Kolb for Meeting of January 31, 2005

Kolb reported on items that were reviewed and/or considered at the last meeting which was yesterday, Monday, 1/31.

Consider Proposed Ordinance: 159-O-109 Amend the District Zoning Map of the Town of Eagle Zoning Ordinance by Rezoning Certain Lands Located in Part of the NW ¼ of Section 5 and the N ½ of the NE ¼ of Section 6, T5N, R17E, Town of Eagle, from the A-P Agricultural Land Preservation District to the RH Residential Holding District (Town) and the A-5 Mini Farm District (County) - (SZT-1546)

Mace reviewed the location in the Town of Eagle and the staff recommendation. The present land use is a residence with farm outbuildings. The proposed land use is the sale of a 7.9 acre parcel, separate from the 89-acre farm. Mace said there was some controversy earlier in September as to whether the driveway should be relocated, but the county highway department did some work along the right of way and ended up improving the site visibility for the existing driveway. The Planning staff is recommending approval based on the recent improvements, but the requirement for the preparation and approval of a CSM will remain in effect.

Motion: Kramer moved, second by Pavelko, to approve Ordinance 159-O-109. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 159-O-110 Amend the Text of the Town of Brookfield Zoning Code, Sections 17.02(14)B.7.B. and 17.04(12)(A), Accommodating All Commercial Recreation Facilities as Conditional Uses and Eliminating Them as Permitted Uses by Right and Create Section 17.08(5)(A)7., Providing Conditional Use Permits for Waivers to Free Standing Sign Provisions (ZT-1560)

Mace said this is a text amendment to the Town of Brookfield's ordinance to revise the provision for commercial recreational facilities such as arcades, bowling alleys, gyms, lodges, etc. At the present time the ordinance has a provision that is in conflict because it calls for a conditional use as well as a permitted use by right so this is being cleared up. The Planning staff is recommending approval.

Motion: Pavelko moved, second by Kramer, to approve Ordinance 159-O-110. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 159-O-111 Amend the Town of Genesee District Zoning Map of the Waukesha County Zoning Code for the Town of Genesee by Conditionally Rezoning Certain Lands Located in Part of the S ½ of Section 29, T6N, R18E, Town of Genesee, from the A-P Agricultural Land Preservation District to the Q-1 Quarrying District (CZ-1549)

Mace reviewed the location of the rezoning. The present land use is agricultural and will change to a Quarrying District for the expansion of existing sand and gravel quarry operations. The Planning staff is recommending approval subject to one condition as outlined in the ordinance and staff recommendation. Approval of this request will allow the quarry operation to expand in order to continue serving the development needs of the region, while still remaining a compatible use with surrounding properties.

Motion: Kramer moved, second by Cummings, to approve Ordinance 159-O-111. **Motion carried 6 – 0.**

Consider Proposed Ordinance: 159-O-112 Amend the District Zoning Map of the Waukesha County Shoreland and Floodland Protection Ordinance and the Waukesha County Zoning Code, for the Town of Vernon and Recently Proposed for Annexation by the Village of Big Bend by Rezoning Certain Lands Located in Part of the SW ¼ of the NW ¼ of Section 14, T5N, R19E, Waukesha County, Wisconsin, from the RRD-5 Rural Residential Density District 5 to the R-1 Residential and C-1 Conservancy Districts (SCZ-1555)

Mace gave background on the rezoning amendment. The proposed land use is for a small subdivision to accommodate eight one-acre minimum lots. The area is presently vacant.

Motion: Klein moved, second by Cummings, to approve Ordinance 159-O-112.

Mace said the Town of Vernon Board at their meeting of 12/16/04 voted to deny the rezoning request based on the inadequacy of the Development Plan as stated in a resolution sent to the county. The Park and Planning Commission also voted for denial so the petitioner will have to come back if he ever wants to develop this in the Village of Big Bend and ask for approval from the county again unless he wants to stay with the five-acre density.

Klein asked why are we denying? Mace said the zoning code was denied because it is no longer viable (it goes away) in a community where there is annexation. Shoreland doesn't and continues into the village or the city. He stated that staff actually recommended that it be rezoned rather than to have another hearing in the future. The commission voted against this for the zoning code amendment but there is no reason to deny the amendment to the Shoreland ordinance. Mace suggested this be referred back to the Park and Planning Commission so the annexation condition can be checked out, and he will write an addendum. After a lengthy discussion, Klein withdrew his motion; the second (Cummings) agreed.

Motion: Klein moved, second by Cummings, to refer Ordinance 159-O-112 back to the Park and Planning Commission. Kipp (member of Park and Planning Commission) said if this were referred back to the commission, they most likely would change their votes). **Motion carried 5 – 1; Kramer voting no.**

Motion to adjourn: Pavelko moved, second by Kramer, to adjourn the meeting at 9:56 a.m. Motion carried 6 – 0.

Respectfully submitted,

Pauline T. Jaske
Secretary

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